UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.100
10 May 1999

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations: GUINEA

1. The Committee considered the initial report of Guinea (CRC/C/3/Add.48) at its 515th to 517th meetings (see CRC/C/SR.515-517), held on 19 and 20 January 1999 and adopted* the following concluding observations.

A. Introduction

2. While the Committee welcomes the submission of the initial report of the State party, which included concrete information on the situation of children, it takes note that the report did not strictly follow the guidelines established by the Committee. The Committee also takes note of the written answers to its list of issues (CRC/C/Q/GUI/1). The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a high-ranking delegation directly involved in the implementation of the Convention enabled it to assess the situation of the rights of the child in the State party.

B. Positive aspects

3. The Committee is encouraged by the fact that Guinea is a State party to the six major international instruments of the United Nations system for the protection of human rights. The Committee also welcomes the fact that Guinea

* At the 531st meeting, held on 29 January 1999.

has become a State party to the African Charter on the Rights and Welfare of the Child and to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

4. The Committee welcomes the establishment of several governmental structures, at the central level, for the protection and defence of children's rights in the State party, such as the Ministry of Social Affairs and Promotion of Women and Children's Rights (1994), the Guinean Committee for Monitoring, Protection and Defence of the Rights of Children (1995), and the Committee on Equity between Girls and Boys in Schooling (1991). The adoption of the National Programme of Action in favour of the Guinean Child is also welcome.

5. The Committee notes with appreciation the creation, in all the prefectures (at the local level), of Committees on Children (Comités pour l'enfance), which play a role of social mobilization and advocacy for the Guinean child. The establishment of a network of Mayors Defenders of Children (Maires défenseurs des enfants) at the municipal level is also welcomed.

C. Factors and difficulties impeding further progress in the implementation of the Convention

6. The Committee notes that the State party is among the least developed countries of the world. The Committee also notes that the implementation of structural adjustment programmes and the current presence within the territory of the State party of a large number of refugees from neighbouring countries affect the full implementation of the Convention.

7. The Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to the girl child.

D. Principal subject of concern and the Committee's recommendations

8. While the Committee notes that the State party's legislation (for example, the Code des personnes et de la famille covers several provisions of the Convention, it remains concerned that other domestic legislation does not fully reflect the principles and provisions of the Convention. The Committee is also concerned that the current legislation covering children's rights is fragmented in different laws without due regard to the integrated approach of the Convention. The Committee recommends that the State party take all necessary measures to review its legislation on children's rights with respect to its full conformity with the principles and provisions of the Convention. The Committee suggests that the State party consider enacting a comprehensive piece of legislation such as a children's code. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

9. Although the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child is in charge of coordinating and monitoring the implementation of the Convention, the Committee considers that there is still a need to strengthen the capacity of this institution, in particular with

regard to its human and financial resources. The Committee recommends that the State party take all appropriate measures to strengthen the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child to enable it to assume fully its coordinating and monitoring role. It further recommends that the Guinean Committee take into consideration the holistic approach of the Convention to guarantee the complete realization of all the rights enshrined in the Convention.

10. Concern is expressed at the lack of a systematic, comprehensive and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially the most hidden, such as child abuse or ill-treatment, but also in relation to all vulnerable groups of children, including girls, children with disabilities, children living in rural areas, children living in poverty, children born out of wedlock, children victims of sale, trafficking and prostitution and refugee children. The Committee recommends that the State party develop a comprehensive system of collecting disaggregated data, in order to gather all necessary information on the situation of all children under 18 years of age in the various areas covered by the Convention, including children belonging to vulnerable groups. Technical cooperation in this area from, inter alia, UNICEF is encouraged.

11. With regard to article 4 of the Convention, the Committee is concerned that the financial and human resources available for the implementation of all the rights recognized by the Convention are insufficient to ensure adequate progress in improving the situation of children in the State party. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure judicious distribution of resources at the local and central levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and, where needed, within the framework of international cooperation, as well as in the light of the principles of non-discrimination (art. 2), the best interests of the child (art. 3) and the right to survival and development (art. 6).

12. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the opinion that the measures adopted to promote widespread awareness of the principles and provisions of the Convention for both adults and children need to be strengthened. The Committee encourages the State party to reinforce its efforts to make the provisions and principles of the Convention widely known and understood by adults and children alike.

13. Although the Committee welcomes the efforts of the State party to carry out sensitization programmes on the Convention for local authorities and religious leaders, it considers that training programmes for professional groups working with and for children need to be further developed. The Committee encourages the State party to continue with its efforts in the provision of sensitization programmes and training to all professional groups working with and for children, such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, teachers and health personnel, including psychologists and social workers.

14. The Committee takes note of the existence of a partnership between the authorities of the State party and non-governmental organizations working for and with children, and is encouraged by the openness of the State party's authorities to involving representatives of civil society in the process of reporting to this treaty body. The Committee recommends that the State party strengthen its partnership with non-governmental organizations working in the field of children's rights.

15. The Committee is concerned about the different minimum legal ages for marriage for boys (18) and girls (16), and considers that this practice is contrary to the principles and provisions of the Convention, especially articles 2 and 3. The Committee recommends that the State party increase the minimum legal ages for marriage. It further recommends that the State party undertake awareness-raising campaigns on the negative effects of early marriage.

16. It is a matter of concern to the Committee that the State party does not yet appear to have fully taken into account the general principles contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child) in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children. Further efforts must be undertaken to ensure that the general principles of the Convention are reflected in the legislation, guide policy discussions and are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

17. With regard to the implementation of article 2, insufficient measures have been adopted to ensure the full enjoyment by all children of the rights recognized in the Convention, in particular in relation to matters of inheritance, as well as access to education and health services. The Committee is particularly concerned at the situation of vulnerable groups of children, such as girl children, children with disabilities, children living in rural areas, children living in poverty, refugee children and children born out of wedlock. The Committee recommends that a more active approach be taken to eliminate discrimination against vulnerable groups of children.

18. While recognizing the efforts of the State party for the establishment of a children's Parliament, the Committee is still concerned that the participatory rights of children, as enshrined in the Convention, are not yet taken into account by the society at large, especially with regard to freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14) and freedom of association and peaceful assembly (art. 15). The Committee recommends that the State party develop further a systematic approach to increasing, including through the media, public awareness of the participatory rights of children in order to make these rights and their implications fully understood by the population at large.

19. The Committee expresses its concern at the insufficient measures undertaken by the State party in the area of birth registration and at the lack of awareness of registration procedures, especially in rural areas. In the light of article 7 of the Convention, the Committee recommends that the

State party take all available measures to ensure the immediate registration of the birth of all children. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are made widely known and understood by the population at large.

20. Although the Committee is aware that corporal punishment is prohibited by law, it remains concerned that traditional societal attitudes still regard the use of corporal punishment by parents as an acceptable practice. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in the light of article 28 of the Convention. It also recommends that the State party ensure that alternative disciplinary measures are developed and administered within the family and schools.

21. With regard to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care centres and the lack of support to the existing ones supported by non-governmental-organizations. Concern is also expressed about the low quality of living conditions in the existing care centres for children and the lack of adequate monitoring of placement conditions. The Committee is also concerned about the conditions of children living in an informal type of placement, whose situation is not periodically reviewed in accordance with article 25 of the Convention. The Committee recommends that the State party take all appropriate measures to establish alternative care centres for children deprived of a family environment and/or to provide support to the private ones. Independent monitoring should be set up for public and private care institutions. In the light of article 25 of the Convention, the Committee further suggests that the State party systematically review the conditions of children living in an informal type of placement.

22. While the Committee takes note that a specific legal framework for adoption procedures is being discussed by the National Assembly, it remains concerned at the insufficient protection measures regarding domestic and intercountry adoption. The Committee encourages the State party to continue strengthening its legal provisions regarding domestic and intercountry adoption and to consider accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

23. The Committee is concerned at the insufficient awareness and lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, and at the insufficient legal protection measures, resources and trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for the physical and psychological recovery of abused children is also a matter of concern. In the light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment, including domestic violence and sexual abuse of children. Law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as special rules of evidence, and special investigators or community focal points.

24. While the Committee notes with appreciation the State party's efforts to combat infant and child mortality rates, it is still concerned about the prevalence of malnutrition, as well as the limited access to health services, especially in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern. The Committee suggests that the State party allocate appropriate resources and, when necessary, consider seeking technical assistance to reinforce its efforts to make basic health care accessible to all children. In particular, concerted efforts are needed to combat malnutrition and ensure the adoption and implementation of a national nutritional policy for children. International cooperation for the establishment of programmes such as the WHO/UNICEF Integrated Management of Childhood Illness programme is recommended.

25. While the Committee acknowledges the State party's efforts to combat and prevent Sexually Transmitted Diseases (STDs) and HIV/AIDS, the Committee expresses its deep concern at the spread of the epidemic and its direct and indirect effects on children. The Committee recommends that programmes relating to the incidence and treatment of children infected with or affected by HIV/AIDS should be reinforced. International cooperation from UNICEF, WHO and UNAIDS is encouraged. The Committee encourages the State party to refer to the Committee's recommendations formulated during the day of general discussion on children living in a world with HIV/AIDS (see CRC/C/80).

26. While welcoming the State party's innovative measures, both legal and educational, to eradicate the practice of female genital mutilation and other harmful traditional practices affecting the health of girls, the Committee expresses its concern at the limited impact of these measures. The Committee recommends that the State party strengthen its measures to combat and eradicate the persistent practice of female genital mutilation and other traditional practices harmful to the health of the girl child. It encourages the State party to continue carrying out sensitization programmes for practitioners of female genital mutilation and other harmful practices.

27. While the Committee acknowledges the State party's efforts in the area of adolescent health, it is particularly concerned at the high and increasing rate of early pregnancy, the high maternal mortality rate and the lack of access by teenagers to reproductive health education and services. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy. The Committee recommends that the State party promote adolescent health policies and programmes by, inter alia, strengthening reproductive health education and counselling services. The Committee encourages the State party to consider seeking international assistance from, inter alia, UNICEF and WHO.

28. In relation to the situation of children with disabilities, the Committee expresses its concern at the limited infrastructure, qualified staff and specialized institutions. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative

measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns to reduce discrimination, establish special education programmes and centres and encourage the inclusion of disabled children in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.

29 While the Committee welcomes the State party's efforts to provide access to pre-school education to all children, it remains concerned at the persistence of high school drop-out, repetition, absenteeism and illiteracy rates, as well as the low enrolment rate and limited access to education in rural areas. Concern is also expressed at the shortage of trained teachers, insufficient school infrastructure and equipment, and gender disparities in school attendance. The Committee recommends that the State party undertake all appropriate measures, inter alia to improve access to education, especially for the most vulnerable groups of children and to reinforce training programmes for teaching personnel. Furthermore, the Committee suggests that the State party give attention to incorporating the Convention and the teaching of human rights in the school curricula, especially within the framework of the United Nations Decade for Human Rights Education. The Committee encourages the State party to seek to this effect international cooperation from, inter alia, UNESCO and UNICEF.

30. While the Committee welcomes the State party's openness to hosting refugees from bordering African States, it expresses its concern at the limited capacity of the State party to protect and guarantee the rights of unaccompanied and refugee children. The absence of a legal and administrative framework to protect their rights; the fact that most refugee births are not registered; the lack of alternative care measures for unaccompanied refugee children; and the arbitrary detention of refugee children are matters of concern. The Committee recommends that the State party develop a legislative framework for the protection of refugee children and unaccompanied children; establish alternative care for unaccompanied refugee children; ensure that all refugee births are registered; and ensure that refugee children are not subject to arbitrary detention. The Committee encourages the State party to continue working in close cooperation with international agencies active in the field of refugee protection, such as UNHCR and UNICEF.

31. The Committee is concerned about the growing number of children who, owing inter alia to rural exodus, poverty, and violence and abuse within the family, have to live and/or work on the streets and therefore are deprived of their fundamental rights and exposed to various forms of exploitation. The Committee recommends that the State party undertake research on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

32. The Committee expresses its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context. The Committee remains concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to

address this situation. The Committee recommends that the State party undertake a study on the scope of child labour with a view to using it as a framework for the development of strategies and programmes in this area. It suggests that the State party review all relevant domestic legislation with a view to bringing it into conformity with the Convention and other relevant international standards. Child labour laws should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation. Furthermore, it is suggested that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment. International cooperation from ILO can be sought to this effect.

33. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited social and medical programmes and services available in this regard. In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from being used in the illicit production and trafficking of such substances. It also encourages the State party to support rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.

34. The Committee is concerned at the absence of data and of a comprehensive study on the issue of sexual exploitation of children. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family. The Committee also recommends that the State party use a reference framework the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

35. The Committee is concerned at the increasing phenomenon of trafficking and sale of children into neighbouring countries for work or prostitution. The insufficient measures to prevent and combat this phenomenon are also a matter of concern. In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework and reinforce law enforcement, and strengthen its efforts to raise awareness in communities, in particular in rural areas. Cooperation with neighbouring countries through bilateral agreements to prevent cross-border trafficking is strongly encouraged.

36. While welcoming the cooperation of the State party with non-governmental organizations and UNICEF in its efforts to monitor the situation of children deprived of liberty and to establish a juvenile justice system, the Committee expresses its concern at the insufficient number of facilities for the detention of juveniles and at the fact that juveniles are detained with adults. The Committee is also concerned at the insufficiency of facilities

and programmes for the physical and psychological recovery and social reintegration of juveniles. The Committee is further concerned that the deprivation of liberty of a child is not being used as a measure of last resort, as established by the Convention. The Committee recommends that the State party take all measures to integrate fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in its legislation, policies and programmes. Furthermore, the Committee recommends that the State party consider seeking international assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

37. Lastly, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a wide distribution should generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and civil society.